

## Wage and Hour Division, Labor

## § 778.1

### PRIZES AS BONUSES

- 778.330 Prizes or contest awards generally.
- 778.331 Awards for performance on the job.
- 778.332 Awards for activities not normally part of employee's job.
- 778.333 Suggestion system awards.

### Subpart E—Exceptions From the Regular Rate Principles

#### COMPUTING OVERTIME PAY ON AN “ESTABLISHED” RATE

- 778.400 The provisions of section 7(g)(3) of the Act.
- 778.401 Regulations issued under section 7(g)(3).

#### GUARANTEED COMPENSATION WHICH INCLUDES OVERTIME PAY

- 778.402 The statutory exception provided by section 7(f) of the Act.
- 778.403 Constant pay for varying workweeks including overtime is not permitted except as specified in section 7(f).
- 778.404 Purposes of exemption.
- 778.405 What types of employees are affected.
- 778.406 Nonovertime hours as well as overtime hours must be irregular if section 7(f) is to apply.
- 778.407 The nature of the section 7(f) contract.
- 778.408 The specified regular rate.
- 778.409 Provision for overtime pay.
- 778.410 The guaranty under section 7(f).
- 778.411 Sixty-hour limit on pay guaranteed by contract.
- 778.412 Relationship between amount guaranteed and range of hours employee may be expected to work.
- 778.413 Guaranty must be based on rates specified in contract.
- 778.414 “Approval” of contracts under section 7(f).

#### COMPUTING OVERTIME PAY ON THE RATE APPLICABLE TO THE TYPE OF WORK PERFORMED IN OVERTIME HOURS (SECS. 7(G)(1) AND (2))

- 778.415 The statutory provisions.
- 778.416 Purpose of provisions.
- 778.417 General requirements of section 7(g).
- 778.418 Pieceworkers.
- 778.419 Hourly workers employed at two or more jobs.
- 778.420 Combined hourly rates and piece rates.
- 778.421 Offset hour for hour.

### Subpart F—Pay Plans Which Circumvent the Act

#### DEVICES TO EVADE THE OVERTIME REQUIREMENTS

- 778.500 Artificial regular rates.
- 778.501 The “split-day” plan.

### PSEUDO-BONUSES

- 778.502 Artificially labeling part of the regular wages a “bonus”.
- 778.503 Pseudo “percentage bonuses”.

### Subpart G—Miscellaneous

- 778.600 Veterans' subsistence allowances.
- 778.601 Special overtime provisions available for hospital and residential care establishments under section 7(j).
- 778.602 Special overtime provisions under section 7(b).
- 778.603 Special overtime provisions for certain employees receiving remedial education under section 7(q).

AUTHORITY: 52 Stat. 1060, as amended; 29 U.S.C. 201 *et seq.* Section 778.200 also issued under Pub. L. 106-202, 114 Stat. 308 (29 U.S.C. 207(e) and (h)).

SOURCE: 33 FR 986, Jan. 26, 1968, unless otherwise noted.

### Subpart A—General Considerations

#### § 778.0 Introductory statement.

The Fair Labor Standards Act, as amended, hereinafter referred to as the Act, is a Federal statute of general application which establishes minimum wage, overtime pay, child labor, and equal pay requirements that apply as provided in the Act. All employees whose employment has the relationship to interstate or foreign commerce which the Act specifies are subject to the prescribed labor standards unless specifically exempted from them. Employers having such employees are required to comply with the Act's provisions in this regard unless relieved therefrom by some exemption in the Act. Such employers are also required to comply with specified recordkeeping requirements contained in part 516 of this chapter. The law authorizes the Department of Labor to investigate for compliance and, in the event of violations, to supervise the payment of unpaid wages or unpaid overtime compensation owing to any employee. The law also provides for enforcement in the courts.

#### § 778.1 Purpose of interpretative bulletin.

This part 778 constitutes the official interpretation of the Department of Labor with respect to the meaning and